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App No : 18/07933/FUL App Type : FUL

Application for : Construction of two storey side/rear extension and rear balcony. Conversion of dwellinghouse to create 2 x 1 bed flats and 1 x 2-bed flat, widening of existing access on to Desborough Avenue, construction of garden retaining walls and associated parking, cycle store and amenity areas

At 303 Desborough Avenue, High Wycombe, Buckinghamshire, HP11 2TL

Date Received : 29/11/18 Applicant : Mrs Shaheen Begum

Target date for decision: 24/01/19

1. **Summary**

- 1.1. It is considered that the application has been satisfactorily amended to reduce any potential detrimental impacts on highway safety. Whilst this site is located within an area predominately consisting of single family units, the conversion to three flats is not considered to significantly harm the character of the area. There is adequate space within the plot to ensure the appropriate facilities have been accommodated and the extensions proposed do not result in overdevelopment of the plot by virtue of the dimensions and remaining gaps between buildings.

2. **The Application**

- 2.1. Full planning permission is sought for a two storey side extension and rear balcony and conversion of the resultant dwelling to three flats.
- 2.2. The proposed ground floor would accommodate 2 x 1-bed flats and the first floor would accommodate a 2-bed flat.
- 2.3. The site is located within a residential area characterised by detached family dwellings. Adjacent dwellings have obtained planning permission for similar extensions, but remain as single dwellings.
- 2.4. The application is accompanied by:
 - a) Design and Access Statement
 - b) Transport Survey
 - c) Daylight and Sunlight Assessment
- 2.5. The application has been amended reduced the number of units from four to three. Additional parking surveys have also been submitted.

3. **Working with the applicant/agent**

- 3.1. In accordance with paragraph 38 of the NPPF (2019) Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application. In this instance the applicant was provided the opportunity to submit amendments to the scheme/address issues.

4. **Relevant Planning History**

- 4.1. 18/06678/FUL. Householder application for construction of two storey side/rear extension, enlargement of existing cross-over and new associated garden retaining

- walls. Application permitted (303 Desborough Avenue)
- 4.2. 18/05864/FUL. Householder application for erection of two storey side and rear extensions, landscaping works including new retaining walls and steps to front and rear (Part Retrospective). Application permitted (301 Desborough Avenue)
 - 4.3. 17/05503/FUL. Householder application for construction of landscaping works including retaining walls and steps. Application permitted (301 Desborough Avenue)
 - 4.4. 15/08369/FUL. Householder application for demolition of existing garage and construction of two storey side extension. Application permitted (303 Desborough Avenue)
 - 4.5. 15/07685/FUL. Erection of two storey side extension and single storey rear extension in connection with conversion of existing dwelling into 2 x 2 bed and 1 x 1-bed flats and 2 x 1 bed studio flats, excavation works to rear with associated retaining walls and steps, landscaping and parking. Application dismissed at appeal (301 Desborough Avenue). This application was refused on matters of intensification, poor living conditions and highway safety. The Inspectorate dismissed the application on grounds relating to poor living conditions of future occupiers for one of the flats only.

5. Issues and Policy considerations

Principle and Location of Development

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP3 (Settlement Strategy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM1 (Presumption in favour of sustainable development),

- 5.1. This section of the street is dominated by single family dwellings the intensity of use is perhaps the key determining issue in assessing the impact on the character of an area.
- 5.2. The intensity of use must be in proportion to the size of the original building and those surrounding it, otherwise the property will be used unduly more intensively than its neighbours potentially giving rise to an unacceptable level of noise and disturbance and a high levels of comings and goings.
- 5.3. As a consequence, intensification of use is unlikely to be appropriate in areas of smaller scale housing dominated by single family dwellings. It was previously considered that the proposed intensification of use to 8 units would unacceptably alter the established character of this part of Desborough Avenue.
- 5.4. An application was submitted and dismissed at appeal at the adjacent property, no. 301 Desborough Avenue, for the conversion to five units. One of the reasons of refusal related to the increased intensification. However, the Inspectorate concluded that the impact was not unacceptable:

“The proposal would include the construction of a side and rear extension and the conversion of the property into five apartments. Although this would intensify the residential use of the site, increased comings and goings of occupants of five apartments would not, in the context of a relatively busy road with nearby commercial uses, have a harmful effect on the character of the area. The extensions themselves would be subordinate in size to the main property and would leave adequate space to the side boundaries.

I find in respect of the first main issue then that the proposal would not have a harmful effect on the character and appearance of the area.”

- 5.5. It is therefore considered that the conversion of this adjacent to three dwellings would not have a harmful effect on the character and appearance of the area.

Transport matters and parking

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM2 (Transport requirements of development sites)

- 5.6. Desborough Avenue is a C class road subject to a 30mph speed restriction. There are no parking or waiting restrictions in place.
- 5.7. The scheme, as submitted was for the conversion to 4 flats and three parking spaces were provided. The Highways Authority previously objected to this due to inadequate parking and manoeuvring.
- 5.8. Consequently the number of units was reduced and additional information provided regarding manoeuvring. This was specifically demonstrated and laid out in figure 2C of the Transport Survey. Accordingly the suggested condition reflects this.
- 5.9. The layout is now acceptable and will not harm highway safety.
- 5.10. Cycle storage has been provided in the rear communal garden area. The requirement is for three spaces. There is ample room in the rear communal garden area. It is acknowledged that the proposed siting would involve occupants carrying the bikes up and down the steps. However, due to the topography, there is no alternative location.

Raising the quality of place making and design

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality), DM36 (Extensions to Existing Dwellings)

DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development)
Housing intensification SPD

- 5.11. The proposed extension, retaining walls and balcony is the same as that approved in the 2018 application. The design and form was considered acceptable in this application, and while there has been a change in policy, there is no material change in the consideration of design.

Amenity of existing and future residents

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM36 (Extensions to Existing Dwellings) and DM40 (Internal space standards)

Housing intensification SPD
Residential Design Guide

Existing Occupiers

- 5.12. The proposed extension and balcony is the same as that approved in the 2018 application. The impact on adjacent occupiers was considered acceptable in this application, and while there has been a change in policy, there is no material change in the consideration of neighbouring impact.

Future Occupiers

- 5.13. In terms of the internal accommodation, this is considered satisfactory and meets the Council's newly adopted policy and Design guide.
- 5.14. The contentious issue relates to the overbearing impact on the future occupiers as a result of the retaining walls. This was the only reason the appeal on the neighbouring site was dismissed.
- 5.15. The Inspectorate stated:

“The rear garden to the property is very steeply sloped and currently terraced. The appeal proposal would include an apartment located within the new single storey rear extension. This would be positioned at a significantly lower ground level than the majority of the garden and excavation works would be required to enable this to be constructed. Accordingly, the outlook from rear habitable rooms, including the only living area, would be significantly limited and natural light also substantially reduced.

Occupants of this apartment would not have the benefit of any living areas facing the more open aspect at the front, nor of any first floor accommodation where outlook would be improved by windows being above the raised level of the garden. On this basis, I consider that occupants of apartment 3 would have a gloomy and unpleasant living environment.

I conclude on the second main issue then that the proposal would not afford adequate living conditions for the occupants of apartment 3 with particular regard to outlook and natural light. It would conflict in this respect with Policy G8 of the LP which includes in its aims the safeguarding of the amenities of residents of the development proposed, including as regards daylight and sunlight and visual intrusion.”

- 5.16. The comments of the Inspectorate have been considered with regard to this current application. However, the impact is significantly different to the refused application. The refused application proposed a 3.8m retaining wall to the rear of apartment 3. It was this that the Inspectorate had issue with.
- 5.17. This proposed scheme has a retaining wall at just 1.2m one metre from the rear elevation. The sill to the window to this rear elevation sits above the retaining wall. Accordingly natural light will be available to this flat.
- 5.18. It is noted that there is a further retaining wall which has a height of 3m, but this is set back 5m from the rear elevation and gradually slopes up. In addition a Daylight and Sunlight Assessment has been submitted which concludes that adequate levels of light are achieved through the development.
- 5.19. Each flat has its own dedicated amenity area directly accessible from each unit. Flat 3 has its own balcony. The site plan indicates that a boundary enclosure is between the areas for flats 1 and 2. However the precise treatment has not been provided. A condition is therefore considered necessary. In addition there is open access to the side boundaries, so it will be necessary to ensure this access is gated to ensure it is secure.
- 5.20. There is a large communal garden area to the rear. This area is private for all residents. It is noted that the area will be shared and overlooked by the flats, however as stated above, each flat has its dedicated area.
- 5.21. Environmental Services has raised concern due to potential disturbance to future occupiers from traffic noise from Desborough Avenue. A condition is therefore considered necessary.

Environmental issues

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF)

- 5.22. The allocation of bins has been indicated on the site plan. However, the plan indicates that they will not be within a store. This is considered unacceptable. However, there is scope to re-site the bins down the side, or provide a covered area. It is therefore considered necessary to request further details, via condition, prior to occupation.

Flooding and drainage

Wycombe District Local Plan (August 2019): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 5.23. This site is in flood zone 1 in a low risk of surface water flooding.
- 5.24. A local resident has raised concerns with regard to an existing drain that is on the site of the extension. While this matter is outside of the jurisdiction of planning, if the drain is controlled by Thames Water the applicant will need an agreement from Thames Water. If the drain is not controlled by Thames Water it would be a private matter.

Building sustainability

Wycombe District Local Plan (August 2019): DM41 (Optional Technical Standards for Building Regulations Approval)

5.25. It is considered necessary to condition water efficiency in accordance with Policy DM41.

Infrastructure and Developer Contributions

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth)

DSA: DM19 (Infrastructure and delivery)

BCSNP: Policy 13 (Connecting the Parish)

5.26. The development is a type of development where CIL would be chargeable.

Weighing and balancing of issues – overall assessment

5.27. This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

5.28. In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a) Provision of the development plan insofar as they are material
- b) Any local finance considerations, so far as they are material to the application (in this case, CIL)
- c) Any other material considerations

5.29. As set out above it is considered that the proposed development would accord with the development plan policies.

Recommendation: Application Permitted

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers R224.01; 224.02; 224.04C and 224.07 unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 3 Prior to the occupation of the building, all new or disturbed work to the exterior of the building shall be finished or made good to match the existing.
Reason: To secure a satisfactory external appearance.
- 4 Prior to the occupation of the development hereby approved, the cycle store shall be provided and retained for the life of the development.
Reason: In the interests of the future occupiers
- 5 The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.

Reason: In the interests of water efficiency as required by Policy CS18 of the Adopted Core Strategy and Policy DM18 of the Adopted Delivery and Site Allocations Plan (July 2013).

- 6 A scheme to protect the proposed development from noise from Desborough Avenue shall be implemented before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing. The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standard in BS 8233:2014 of 30dB LAeq for the appropriate time period. The scheme shall include acoustic ventilation to meet the requirements of the Noise Insulation (Amended) Regulations 1988.
Reason: To protect the occupants of the new development from noise disturbance.

- 7 No other part of the development shall be occupied until the existing means of access has been altered in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access Within Highway Limits" 2013.
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

- 8 The scheme for parking and manoeuvring indicated on the submitted plans and drawing number figure 2C in the Transport Survey dated April 2019 shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.
Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

- 9 Notwithstanding any other details shown on the plans hereby approved, the window to be inserted in the first floor south elevation of the extension, shall up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass. The window shall thereafter be retained as such.
Reason: In the interests of the amenity of neighbouring properties.

- 10 Prior to the occupation of the development hereby approved, details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented. The screen and boundary walls, fences and any other means of enclosure which are part of the approved scheme shall thereafter be retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development.

- 11 Prior to the occupation of the development hereby approved, details a bin store shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the store has been erected in accordance with the approved scheme and shall be retained for the life of the development.
Reason: To ensure that the proposed development provides adequate bin storage.

INFORMATIVE(S)

- 1 In accordance with paragraph 38 of the NPPF (2019) Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application. In this instance the applicant was provided the opportunity to submit amendments to the scheme/address issues.

- 2 The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act licence. This Small Works Licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:-

Development Management (Works Co-ordination & Inspection)
Buckinghamshire County Council
6th Floor, County Hall
Walton Street,
Aylesbury
Buckinghamshire
HP20 1UY

- 3 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 4 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.